

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**Meeting Date: 19 February 2003Division: Growth ManagementBulk Item: Yes No XDepartment: Marine Resources**AGENDA ITEM WORDING:**

Approval to advertise an Ordinance, at the request of the Key Largo Wastewater Treatment District, creating a Municipal Service Taxing Unit (MSTU) for Key Largo.

ITEM BACKGROUND:

The Key Largo Wastewater Treatment District (KLWTD) is faced with significant funding limitations during the development phase of wastewater projects currently underway until these projects are complete and are revenue generating. In order to address the start-up funding issue, the KLWTD has proposed entering into a cooperative interlocal agreement with the County to develop a limited funding source for administration, planning, and development of wastewater projects. The funding source in this case would be a Municipal Service Taxing Unit (MSTU) authorized of County governments (not municipalities) under Section 125.01(1)(q), Florida Statutes.

No referendum is required for levy by a County of ad-valorem taxes for the provision of municipal services with an MSTU. Revenues would be generated for a limited duration of four years and would be levied against all properties. Funding levels and millage would be justified in a four year budget for each project within an MSTU. At the time of required hook-up, developed properties would be required to pay hook-up fees, however, reduced by the amount paid by those properties under the MSTU.

Other funding sources may be utilized to fund the operations of the utility in the coming year. However, the MSTU provides the option to obtain revenue for these options in a number of ways. The Key Largo Wastewater Treatment District has requested by Resolution (attached) that the County adopt an MSTU. The District has requested a millage for the MSTU of 0.35 mills.

PREVIOUS RELEVANT BOCC ACTION:

None

CONTRACT/AGREEMENT CHANGES:

NA

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: Approx \$350,000BUDGETED: Yes No COST TO COUNTY: NoneREVENUE PRODUCING: Yes X No AMOUNT Per Month Year tbdAPPROVED BY: County Atty X OMB/Purchasing X Risk Management NADIVISION DIRECTOR APPROVAL: Timothy McGarry, Director of Growth ManagementDOCUMENTATION: Included X To Follow Not Required DISPOSITION: AGENDA ITEM NO.: U5

MONROE COUNTY, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF MONROE COUNTY, FLORIDA, CREATING THE KEY LARGO WASTEWATER TREATMENT DISTRICT MUNICIPAL SERVICE TAXING UNIT LOCATED WITHIN THE UNINCORPORATED AREA OF MONROE COUNTY, FLORIDA, TO PROVIDE WASTEWATER AND RECLAIMED WATER SERVICES AND FACILITIES; DEFINING THE BOUNDARIES OF THE UNIT; AUTHORIZING THE BOARD TO ANNUALLY LEVY AD VALOREM TAXES WITHIN THE BOUNDARIES OF SUCH UNIT NOT TO EXCEED 0.35 MIL; AUTHORIZING THE USE OF THE TAX REVENUE FOR ENUMERATED PURPOSES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:

SECTION 1. TITLE. This ordinance may be cited as the Key Largo Wastewater Treatment District (KLWTD) Municipal Service Taxing Unit (MSTU).

SECTION 2. AUTHORITY AND PURPOSE.

(A) This Ordinance is enacted under the authority of Article VIII, Section 1, Florida Constitution, and Sections 125.01 and 125.66, Florida Statutes. The Board of County Commissioners (the "Board") of Monroe County, Florida, has all powers of local self-government to perform county and municipal functions and to render services in a manner not inconsistent with general law and such power may be exercised by the enactment of county ordinances and resolutions.

(B) Section 125.01(1)(q), Florida Statutes, provides specific legislative authorization for counties to establish a municipal service taxing unit for any part or all of the unincorporated areas within its boundaries, or within the municipal boundaries of an incorporated area upon consent of the governing body of such municipality, within which may be provided essential facilities and services.

(C) The purpose of this Ordinance is to create a municipal service taxing unit to fund the provision of municipal services associated with the administration, planning and

Ordinance Creating Key Largo Wastewater Treatment District MSTU

development of wastewater and reclaimed water projects within the municipal service taxing unit as generally described in Section 3 of this Ordinance. This Ordinance shall be liberally construed to effect the purposes hereof.

(D) This Ordinance is adopted to fulfill the request of the Key Largo Wastewater Treatment District and in consideration of the Board's obligations under a Transition Agreement by and between the Key Largo Wastewater Treatment District, the Florida Keys Aqueduct Authority (the "Authority"), and the Board to provide limited funding source for the reimbursement and provision of municipal services relating to administration, planning and development of wastewater and reclaimed water projects (the "Transition Agreement").

SECTION 3. CREATION OF MUNICIPAL SERVICE TAXING UNIT.

(A) Pursuant to the provisions of section 125.01(1)(q), Florida Statutes, there is hereby created a municipal service taxing unit for that portion of the County within the unincorporated of Key Largo under the jurisdiction of the KLWTD. Such municipal service taxing unit shall be known as the Key Largo Wastewater Treatment District Municipal Service Taxing Unit. All matters concerning such municipal service taxing unit shall be governed by the Board.

(B) The boundaries of the Key Largo Wastewater Treatment District Municipal Service Taxing Unit (MSTU) are also described in Exhibit A hereto and same are incorporated by reference.

(C) From time to time the Board may by resolution take any action not inconsistent with this Ordinance or the Transition Agreement to assist the KLWTD in funding the administration, planning and development of wastewater and reclaimed water projects within and benefiting the Key Largo Wastewater Treatment District Municipal Service Taxing Unit.

SECTION 4. AUTHORIZATION OF AD VALOREM TAXES.

(A) The Board is hereby authorized, in the manner and under the authority provided by section 125.01(1)(q) and (r), Florida Statutes, to levy and collect additional ad valorem taxes at a millage rate not to exceed 0.35 mil upon real and personal property within the Key Largo Wastewater Treatment District Municipal Service Taxing Unit commencing with County fiscal year 2003-2004. The foregoing millage limitation shall not be increased without the Key Largo Wastewater Treatment District first adopting a resolution consenting thereto.

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(B) The collection of ad valorem taxes as authorized herein shall cease after four (4) consecutive fiscal years and the Key Largo Wastewater Treatment District Municipal Service Taxing Unit shall terminate at the end of County fiscal year 2007-2008.

SECTION 5. USE OF REVENUE; IMPLEMENTATION.

(A) Revenues derived from ad valorem taxes levied within the Key Largo Wastewater Treatment District Municipal Service Taxing Unit pursuant to Section 4 shall be used solely to pay for and provide funding for administration, planning and development costs associated with and incurred in advancing of wastewater and reclaimed water projects within and benefiting the Key Largo Wastewater Treatment District Municipal Service Taxing Unit.

(B) The Board shall adopt a budget for the Key Largo Wastewater Treatment District Municipal Service Taxing Unit for the fiscal year beginning October 1, 2003, and each year thereafter, at the same time and in the same manner as the County budget. Such budget shall contain all or such portions of the costs incurred and planned in conjunction with the funding of municipal services contracted to be provided by the Authority under any interlocal agreement.

SECTION 6. SEVERABILITY. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 7. CONFLICT WITH OTHER ORDINANCES. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

SECTION 8. INCLUSION IN THE CODE OF ORDINANCES. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the code.

SECTION 9. EFFECTIVE DATE.

(A) The effectiveness of this Ordinance shall be subject to the Key Largo Wastewater Treatment District adopting a resolution consenting to the inclusion of the unincorporated areas of the Key Largo Wastewater Treatment District within the boundaries of the Key Largo Wastewater Treatment District Municipal Service Taxing Unit.

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(B) This Ordinance shall be filed with the Department of State prior to June 30, 2003.

(C) After enactment by the Board, this Ordinance shall be filed with the Department of State as provided in section 125.66(2), Florida Statutes.

[Remainder of page intentionally left blank.]

Ordinance Creating Key Largo Wastewater Treatment District MSTU

PASSED AND ADOPTED by the Board of County Commissioners,
Monroe County, Florida at a regular meeting of said Board held on this 19th day of
March, 2003.

Mayor Dixie Spehar

Mayor Pro Tem Murray Nelson

Commissioner Charles "Sonny" McCoy

Commissioner George Neugent

Commissioner David Rice

**BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA**

(SEAL)

By: _____
Mayor/Chairperson

Danny Kolhage, Clerk

By: _____
Deputy Clerk

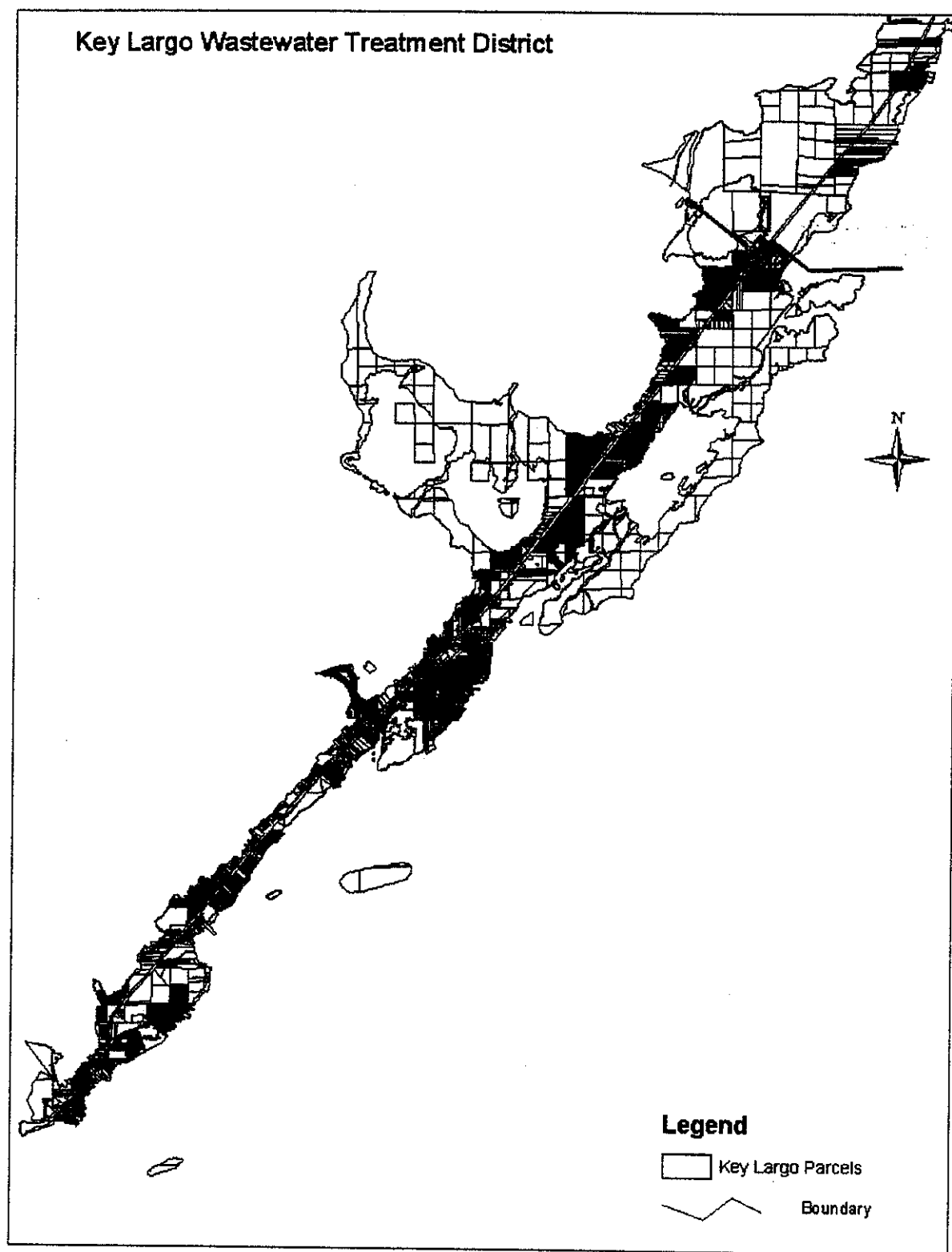
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EXHIBIT A

**KEY LARGO WASTEWATER TREATMENT DISTRICT MUNICIPAL SERVICE
TAXING UNIT AREA**

The Municipal Services Taxing Unit will include all areas within the boundaries of the Key Largo Wastewater Treatment District inclusive as identified in the attached map graphic.

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AMENDED RESOLUTION 2003-4**A RESOLUTION BY THE KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF COMMISSIONERS REQUESTING THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO ADOPT A MUNICIPAL SERVICES TAXING UNIT ("MSTU") AND ESTABLISHING A SUGGESTED MSTU MILLAGE RATE FOR KEY LARGO WASTEWATER TREATMENT DISTRICT**

WHEREAS, the establishment by the Monroe County Board of County Commissioners of a MSTU would serve a valid county purpose and a special district purpose, specifically for water, wastewater and sewage collection and disposal and related municipal services;

WHEREAS, pursuant to section 125.01(2), Florida Statutes, the Board of County Commissioners shall be the governing body of any MSTU created pursuant to section 125.01(1)(q), Florida Statutes;

WHEREAS, the Board of Commissioners of the Key Largo Wastewater Treatment District desires to request the Monroe County Board of County Commissioners to establish a MSTU for the District, pursuant to section 125.01(1)(q), Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT:

1. The Board hereby requests the Monroe County Board of County Commissioners to establish a MSTU for the District, pursuant to section 125.01(1)(q), Florida Statutes.
2. The Board hereby recommends that a millage rate not to exceed .35 should be applied to the Board's request to the Monroe County Board of County Commissioners of establishment of a MSTU.

PASSED AND ADOPTED this 29th day of January, 2003.

FAILED this _____ day of January, 2003.

KEY LARGO WASTEWATER TREATMENT DISTRICT GOVERNING BOARD

Chair, Key Largo Wastewater Treatment District

Secretary